REMARKS/ARGUMENTS

Claims 8, 9, and 27-28 and 33-40 are active.

Claims 8 and 9 are amended to clarify the manner in which the claimed composition is prepared, in that the aqueous gel cores are directly coated and have not been previously coated with a material as discussed during the interview held on July 31, 2008. Applicants appreciate this suggestion from the Examiner and for indicating that reconsideration of the rejections coupled with the support found in the Examples, and in particular Example 2.

No new matter is added.

Also during this meeting the undersigned explained t the structure of the cosmetic preparation of the claims and, in particular, provided details as to why the method steps provided in Claim 8 do impart a patentable difference relative to the polymer coated material of the cited prior art. More particularly, two References were shown as exhibits (and which are attached here for the record) that depict the type of cosmetic preparation in the claims. The two references are Igarashi et al 24th IFSCC Congress, Osaka Japan 16-19 October 2006, Oral Session 17B-17 (reference document 1) and Igarishi et al *IFSCC Magazine* vol. 11(1): 31-34 (2008) (reference document 2). What these publications show is that the cosmetic preparation like that in the claims has a form called W/P (water-in-powder). Similar to emulsions, the W/P type cosmetic comprises materials that are not miscible with each other but are brought to a stable state by controlling their interaction. More specifically, in the W/P, powder is adsorbed on the interface of the water and air by the mutual interaction of water and the powder. As a result, a structure in which water is encapsulated by powder in a stable manner is formed (see Reference Document 1, page 1 "Objects", Fig. 1, and Fig. 3).

The W/P type cosmetic has been known to be difficult in retaining its form as a result of cohesion which occurs when the powder is wetted (see Reference Document 1, page 1 "Objects", lines 7 to 10). Thus, to obtain powder enclosing water, a technique of

encapsulating the water by physically covering it with a polymer film has conventionally been used. Use of such a dense and continuous polymer film is advantageous for preventing leakage and water vaporization. However, when used as a cosmetic, such a polymer film coated product leaves the polymer film on the skin after water has been discharged by application of pressure. This significantly impairs its commercial applicable as the feeling remaining on the skin. This is a fatal defect in cosmetic preparations in which the essential requirement is "pleasant feel on the skin" (see Reference Document 1, page 1 "Objects", lines 1 to 4).

Therefore, in the present invention, a structure is employed in which water is enclosed by a powder particles using the mutual interaction of water and the powder instead of a polymer film. Since the powder that covers water restores the state of fine powder particles, each independent from the other, after discharge of water by pressure applied to the cosmetic, the problem of leaving the film on the skin does not occur. The cosmetic preparation thus provides refreshing, smooth, and expanded feelings.

As discussed above, the prior art in which water is physically covered with a dense and continuous polymer film is quite different in technological concept from the present invention in which water is covered with powder adsorbed on the interface of the air and water by the interaction of the powder and water. In addition, the present invention has an advantage over the prior art in the effect as mentioned above. Therefore, it is clear that the present invention is not obvious from the references.

Tanaka, et al discloses use of inorganic powder. However, the inorganic fine particles are contained in the polymer to suppress vaporization and leakage of encapsulated materials and reinforce the strength of the polymer film. Thus, the inorganic fine particles are only a component complementing the functions of the polymer film (English translation, page 9,

lines 8 to 10). One would not have removed the polymer film from Tanaka as that would go against what is taught.

During the aforementioned meeting, the Examiners expressed an appreciation of these differences in concept, but that the claims include the term "comprising" the Examiner's position maintained that the claims do not exclude the polymer cross-linked materials of the cited prior art. Thus, it was suggested to make more clear from the manner in which the cosmetic preparation has aqueous gel cores coated with hydrophobic particles which directly coat the aqueous gel cores in which aqueous gel cores have not been previously coated with a material. Again, support is derived from the Examples presented in the application (see pages 19-20 of the specification).

Withdrawal of the rejection citing Tanaka is requested.

To the rejection citing Reyes and Deubzer.

As explained previously, Reyes describes a process whereby hydrophilic polymers are encapsulated in hydrophobic material through a series of steps ending in the **graft polymerization** of the hydrophobic material to the hydrophilic material "To thereby trap the material to be encapsulated within the coating" (see FIG. 1 of Reyes). Thus, Reyes is much like Tanaka in this regard as providing a polymer film. Further, Reyes does not describe a cosmetic.

Deubzer describes preparing microcapsules with organopolysiloxane walls which is produced by hydrolosis and polycondensation (see col. 1, lines 43-49 of Deubzer).The problem addressed by Deubzer is to more easily prepare these organopolysiloxane shells with cheaper materials (see col. 1, lines 36-39). Deubzer also describes at col. 6, lines 15-25 that "the microcapsules may be used for all applications in which microcapsules have also been used" and among the generic listing of applications, cosmetics is included.

However, the prior art describes microcapsule materials in which the coating is cross-linked or graft polymerized to the surface of the core. In contrast, in the claimed invention, the gel cores are directly coated with the hydrophobic material and without prior coatings. Coating compared to cross-linking or graft polymerization imparts a number of advantages neither described nor suggested by the cited prior art as discussed in the context of the Tanaka rejection above, e.g. when the coated gel particles of the present invention are ruptured on the surface of the skin, unlike the particles of the cited prior art, they would not leave an unacceptable residue of broken capsules, for example, on the surface of the skin.

Applicants request that the rejection based on the combination of Reyes and Deubzer be withdrawn.

Applicants request a Notice of Allowance.

Respectfully submitted,

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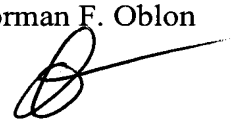

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